

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	No. 61217-4-I
)	
Respondent/Cross Appellant,)	
)	
v.)	
)	
JESSE J. ESQUIBEL,)	UNPUBLISHED OPINION
)	
Appellant/Cross Respondent.)	FILED: June 14, 2010
)	

Ellington, J. — On January 20, 2009, this court issued its opinion in this matter.¹ The trial judge had entered oral findings rejecting the defendant's claim of pretext. The evidence supports the oral findings. The written findings, however, did not address the officer's subjective motive in initiating the traffic stop. We therefore remanded for additional findings in order to proceed with review on the most complete record possible.

While the matter was pending on remand, the trial judge died. We then recalled the mandate. The parties submitted supplemental briefing as to the consequences of these events.

We have reexamined the existing record, and conclude that failure to enter a written finding was harmless in light of the fact that the court made a clear oral finding

¹ State v. Esquibel, noted at 148 Wn. App. 1016 (2009).

that is supported by the evidence and consistent with the judgment.² We therefore affirm.

Edmonton, J.

WE CONCUR:

Leach, a.c.j.

Cox, J.

² See State v. Smith, 68 Wn. App. 201, 208, 842 P.2d 494 (1992) (holding that a court's failure to enter written findings of fact and conclusions of law following a suppression hearing is harmless error if the court's oral opinion and the record of the hearing are "so clear and comprehensive that written findings would be a mere formality").